



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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March 9, 2010

Douglas J. Wade  
U.S. Corps of engineers  
CECW-CE  
441 G Street NW  
Washington, DC 20314-1000

RE: Docket Number COE-2010-0007  
Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls

Dear Mr. Wade:

The Department of Ecology strongly opposes the proposed changes in the process to request a variance from vegetation standards for levees in the USACE PL84-99 program. Unlike many other parts of the nation, the Pacific Northwest still has significant stocks of salmonids and other native fish that provide a renewable source of food and income to its citizenry. In addition, substantial portions of the region's wildlife depend on the native fishery, the lush riparian habitat, and naturally-screened access to fresh water. The current process for a variance from the vegetation standard provides a good balance between providing crucial habitat and practical, responsible levee safety in a rural setting.

The current practice is also consistent with the State Shoreline Master Program which is part of the federal Coastal Zone Management Act. A primary goal of the state's Shoreline Management Act is to protect and restore fish and wildlife habitat along the state's shorelines. All Corps projects on non-federal properties are subject to a "Coastal Zone consistency" determination by the state Department of Ecology prior to initiation. Proposals to denude the existing levees of native vegetation are in direct conflict with the State Shoreline Master Program and, therefore, the federal Coastal Zone Management Act. Such levee vegetation removal projects are very unlikely to receive a "federal consistency determination" by the state to proceed.

In addition, Whatcom County and the state Department of Ecology have spent over 15 years and millions of dollars developing a comprehensive flood hazard reduction plan and hydraulic flood model for the Nooksack River. The county and state-approved Lower Nooksack River Comprehensive Flood Hazard Management Plan (CFHMP) and "state-of-the-art" hydraulic model provide the guidance and tools to most effectively manage the river's levees and other improvements. The proposed change in levee vegetation process standards conflicts with Chapter 8 of the CFHMP regarding levee design



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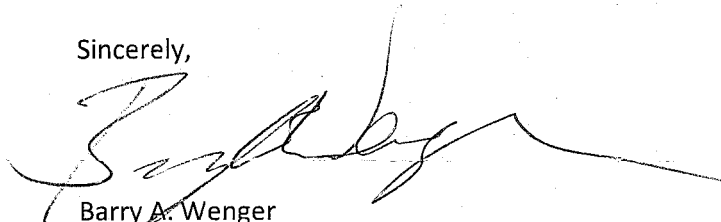
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concepts and standards, and is not supported by the hydraulic modeling and experience the county and state have accrued in this river system over the past twenty years.

In sum, the proposed changes to the process for requesting a variance from vegetation standards for levees and floodwalls is misguided and will only serve to create more problems than it intends to solve. Administrative simplification should never be substituted for practical, proven, on-the-ground solutions. We urge you to not approve these proposed changes to the USACE PL84-99 program processes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barry A. Wenger', with a long horizontal flourish extending to the right.

Barry A. Wenger

Senior Environmental Planner

Shoreline & Environmental Assistance Program

Ec Jeff Kamps, WDFW

Bob Kelly, Nooksack Tribe

Jeremy Freimund, Lummi Nation

Chuck Steele, Ecology NWRO

Dan Sokol, Ecology HQ